

REMARKS

Claims 1-22 are pending in this application. Claims 1, 21 and 22 have been amended. Examiner's reconsideration of the claim rejections is respectfully requested in view of the above amendment and following remarks.

Claim Rejections Under 35 U.S.C. §103

Claims 1-8, and 12-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,499,294 to Friedman (Friedman) in view of U.S. Patent No. 6,192,138 to Yamadaji (Yamadaji).

It is respectfully submitted that at the very minimum, claim 1, 13 and 18 are patentable and non-obvious over the combination of Friedman and Yamadaji. To establish a *prima facie* case of obviousness based on such combination, various criteria must be met. For instance, the combination of Friedman and Yamadaji *must* teach or suggest all the claim limitations. Further, there must be some suggestion or motivation in the references or in the knowledge generally available to one skilled in the art to combine their teachings. The teaching or suggestion to make the claimed combination must both be found in the prior art and not based on *hindsight* in view of applicant's disclosure (see, e.g., MPEP 2141, 2143, 2143.03).

For instance, with respect to claims 1, 13 and 18, it is respectfully submitted that the combination of Friedman and Yamadaji does not disclose or suggest a system or method for *measuring a plurality of parameters associated with a captured image and watermarking the plurality of parameters within the captured image*, as essentially claimed in claims 1, 13 and 18.

Examiner acknowledges that Friedman does not disclose means for watermarking a plurality of parameters into an image, but relies on Yamadaji for watermarking. However,

although Yamadaji discloses watermarking trademarks or copyright, there is nothing in Yamadaji that discloses or suggests watermarking *a plurality of parameters associated with a captured image* as contemplated by the invention. Thus, it is clear that the combination of Yamadaji and Friedman does not expressly teach watermarking *a plurality of parameters associated with a captured image*.

Furthermore, it is respectfully submitted that the combined teachings of Yamadaji and Friedman do not suggest the claimed feature of watermarking *a plurality of parameters associated with a captured image*. In particular, Applicants disagree with Examiner's conclusion that "it would have been obvious to one of ordinary skill in the art at the time the invention was made for Friedman to watermark the parameters into the image as well as record them" and that "one would have been motivated to do so in an effort to safeguard the images against malicious manipulations ..." as contended on page 4 of the Office Action.

Even assuming, *arguendo*, that watermarking of images may have been well-known as of the filing date of this application, it does not necessarily follow that it would have been obvious (based on the combination of Friedman and Yamadaji) to *watermark measured parameters associated with a captured image* for purposes of authentication.

More specifically, although Friedman discloses a method for verifying the authenticity of an image and that certain parameters associated with a captured image can be recorded in an image border, the Friedman protocol does not rely on such recorded parameters for authentication. In contrast, Friedman provides image authentication using the well-known digital signature method. Briefly, with the Friedman method, an algorithm is used to compute a *hash* of the image file and then the *image hash* is encrypted using a *private key* (of the camera) to generate a *digital signature*. The *digital signature* is a separate file that is sent with an image to

verify the authenticity of the associated image. For subsequent authentication of the image, a *public key* is used to decode the *digital signature* to derive the *secure hash* contained in the *digital signature*. The same hash algorithm is then used to calculate a hash of the image, which hash is then compared to the secure hash of the digital signature. If the computed hash and secure hash are the same, then the image is deemed authentic.

Thus, it is clear that the Friedman protocol can be used for authentication regardless of whether or not recorded parameters are contained in the image file. In other words, the Friedman protocol does not rely on the recorded/encrypted parameters for image authentication *per se*, but rather relies on image hash comparison irrespective of the recorded parameters. In fact, Friedman expressly states that the credibility of the textual data (e.g., time) in an image file border is merely upheld upon authentication of the image using the digital signature process (col. 10, lines 24-26). There is nothing in Friedman that discloses or remotely suggests using recorded parameters for authentication of an image. Therefore, Friedman provides no motivation or suggestion for using recorded parameters associated with an image *per se* for purposes of authentication.

Furthermore, although Friedman and Yamadaji both arguably disclose methods for authenticating images, the *digital signature* method of Friedman and the trademark/copyright *watermarking* method of Yamadaji are fundamentally distinct and mutually exclusive methods of authentication. Moreover, neither Friedman nor Yamadaji provide motivation or suggestion for watermarking recorded parameters associated with a captured image for purposes of authentication, as essentially claimed in claims 1, 13 and 18. As such, one of ordinary skill in the art would not combine the teachings of Friedman and Yamadaji to derive the claimed inventions. It is respectfully submitted Examiner's contention that "it would have been obvious

to one of ordinary skill in the art at the time the invention was made for Friedman to watermark the parameters into the image as well as record them" is nothing more than impermissible hindsight gleaned from Applicants' specification.

In addition, with respect to claim 1, it is respectfully submitted that the combination of Friedman and Yamadaji does not disclose or suggest a system for capturing images, wherein the system comprises *wireless communication means for receiving object data from objects in an observed image frame when the image is generated, wherein the object data comprises object identification information*. Nor does such combination disclose or suggest *information receiving means for receiving user data associated with a user of the system when the digital image is generated, wherein the user data comprises user identification information*.

Thus, for at least the above reasons, claims 1, 13 and 18 are believed to be patentable and non-obvious over the combination of Friedman and Yamadaji. In addition, all claims that depend from claims 1, 13 and 18 are believed to be patentable and non-obvious over the combination of Friedman and Yamadaji at least for the same reasons given above for respective based claims 1, 13 and 18.

Further, since claims 9-11 depend from claim 1, the rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over Friedman in view of Yamadaji in further view of U.S. Patent No. 5,799,082,072 to Murphy et al (Murphy), as well as the rejection of claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over Friedman in view of Yamadaji in further view of U.S. Patent No. 5,335,072 to Tanaka et al (Tanaka), are legally deficient for at least the reasons given above for claim 1. Indeed, neither Tanaka nor Murphy cure the deficiencies of Friedman and Yamadaji as discussed above.

Accordingly, the withdrawal of the rejections of claims 1-22 under §103 is respectfully requested.

Respectfully submitted,



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